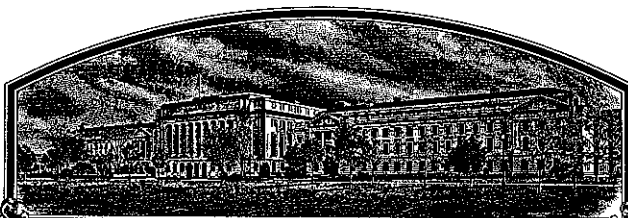


No.

9200223



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Asgrow Seed Company*

Whereas, THERE HAS BEEN PRESENTED TO THE  
**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (U.S. STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'A2835'



In Testimony Whereof, I have hereunto set  
my hand and caused the seal of the Plant  
Variety Protection Office to be affixed  
at the City of Washington, D.C.  
this 31st day of October in  
the year of our Lord one thousand nine  
hundred and ninety-four.

Attest

*Kenneth H. Coe*

Commissioner

Plant Variety Protection Office  
Agricultural Marketing Service

*Mike Esch*  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
(Instructions on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO	3. VARIETY NAME
Asgrow Seed Company		XP2835	A2835
4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP)		5. PHONE (include area code)	FOR OFFICIAL USE ONLY PVPO NUMBER 9200223
9646-190-19 Gull road Buiding 190 Kalamazoo Michigan 49001		616-384-2352	
6. GENUS AND SPECIES NAME	7. FAMILY NAME (Botanical)	F I L I N G Date June 24, 1992 Time 4:20 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	
Glycine Max	Leguminosae		
8. CROP KIND NAME (Common Name)	9. DATE OF DETERMINATION	F E E S Filing and Examination Fee. \$ 2150.00 Date June 15, 1992 Certificate Fee \$ 250.00 Date Oct. 3, 1994	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.)			
Corporation			
11. IF INCORPORATED, GIVE STATE OF INCORPORATION	12. DATE OF INCORPORATION		
Delaware	March 22, 1968		

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS

Steve Hawkins 9635-190-23 Alan Walker 608-755-1777  
616-384-2352 Asgrow Seed Company 5926 Janesville, WI  
Asgrow Seed Company Gull Road Buiding 190 Kalamazoo MI 49001 53546  
PHONE (include area code)

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)

a. ☒ Exhibit A, Origin and Breeding History of the Variety  
b. ☒ Exhibit B, Novelty Statement  
c. ☒ Exhibit C, Objective Description of Variety  
d. ☒ Exhibit D, Additional Description of Variety  
e. ☒ Exhibit E, Statement of the Basis of Applicant's Ownership  
f. ☒ Seed Sample (2,500 viable untreated seeds) Date Seed Sample mailed to Plant Variety Protection Office \_\_\_\_\_  
g. ☒ Filing and Examination Fee (\$2,150) made payable to "Treasurer of the United States"

15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See section 83(a) of the Plant Variety Protection Act)

☐ YES (If "YES" answer items 16 and 17 below) ☒ NO (If "NO," skip to item 18 below)

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?

☐ YES ☒ NO

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?

☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?

☐ YES (If "YES," through ☐ Plant Variety Protection Act ☐ Patent Act Give date \_\_\_\_\_)  
☒ NO

19. HAS THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETING IN THE U.S. OR OTHER COUNTRIES?

☐ YES (If "YES," give names of countries and dates)  
☒ NO

20. The applicant(s) declares that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believes that the variety is distinct, uniform, and stable as required in section 41, and is entitled to protection under the provisions of section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT (Owner(s))	CAPACITY OR TITLE	DATE
Steve Hawkins	Owner	6/9/92
Alan K. Walker	Director of Soybean Research	6/4/92

## INSTRUCTIONS

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed Exhibits A,B,C,E; (3) at least 2,500 viable untreated seeds; (4) check, drawn on a U.S. bank, payable to "Treasurer of the United States" in the amount of \$2,150 (\$250 filing fee and \$1,900 examination fee). (See section 180.175 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for 30 days, then returned to the applicant as unfiled. Mail application and other requirements to: Plant Variety Protection Office, AMS, USDA, Rm. 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the Application are self-explanatory unless noted below. Corrections on the Application form and Exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a Certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$250 for issuance of the Certificate.

Plant Variety Protection Office  
Telephone: 301/344-2518

ITEM

9. Give the date when there has been at least a tentative determination that the variety has been sexually reproduced with recognized characteristics, whether or not the novelty of those characteristics has been determined. [See section 41(d) of the Plant Variety Protection Act (Act).]
- 14a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability. (See sections 41 and 52 of the Act.)
- 14b. Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons which clearly indicate novelty.
- 14c. Exhibit C forms are available from the PVPO; specify crop kind. Fill in the Exhibit C (Objective Description of Variety form) to describe your variety.
- 14d. Optional additional characteristics and/or photographs: Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 14e. Section 52(4) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. The applicant may be the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.
15. If "Yes" is specified (*seed of this variety be sold by variety name only as a class of certified seed*), the applicant may NOT reverse this affirmative decision after the variety has either been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified the applicant may change the choice. (See section 180.16 of the Regulations and Rules of Practice.)
19. See sections 41 (i, j) and 42 of the Act and section 180.7 of the Regulations and Rules of Practice for eligibility requirements.

NOTES:

It is the responsibility of the applicant/owner to keep the PVPO informed of any change of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is \$25. [See section 101 of the Act, and sections 180.130, 180.131, 180.132, and 180.175(h) of the Regulations and Rules of Practice.]

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Rm. 213, Building 306, Beltsville Agricultural Research Center -- East, Beltsville, MD 20705. Telephone: 301/344-2089.

Asgrow Seed Company  
 Plant Variety Protection Application - Soybean, A2835  
 March 6, 1992

EXHIBIT A  
 Origin and Breeding History of A2835

1985 Cross was made -- J851585

PARENTAGE: X1972\*A3935 (X1972 = A2\*Vickery)

1985-1986 J851585 F<sub>1</sub> and F<sub>2</sub> generations were grown at Isabela, Puerto Rico.  
 (winter)

1986 Plants of J851585 were grown in bulk at Ames, Iowa.

1987 Individual plants of J851585 were grown in short rows at Ames, Iowa.  
 Plants were selected from row J87-12930.

1988 Sublines from J87-12930 were tested in progeny row yield test  
 88Y111. Entry 46 of 88Y111 was selected for high yield, and  
 standability.

1989 Entry 46 of 88Y111 was entered into the yield test 89R285 as entry  
 21. The 89R285 was grown at 6 locations in Iowa, Illinois, Indiana,  
 Nebraska, and Michigan. Entry 21 was selected for high yield,  
 uniformity, and standability and given the designation X2835.

1989-1990 100 single plants were grown in Isabela, Puerto Rico to begin the  
 (winter) breeder seed process.

1990 X2835 was entered into yield tests in 18 locations throughout the  
 Midwest. It was selected for high yield, uniformity, and  
 standability and given the designation XP2835.

100 rows were grown in Ames from plants produced in Puerto Rico.  
 Progeny of these rows were screened for resistance to race 3 of  
Phytophthora megasperma. Those progeny found to be uniform for  
 resistance and appearance were bulked to form breeder seed lot D90-  
 210-P.

1990-1991 Breeder seed was produced in Puerto Rico.  
 (winter)

1991 XP2835 was entered in yield tests in 24 locations throughout the  
 midwest. It was approved for release and full production and given  
 the designation A2835.

Foundation seed of A2835 was produced near Perry, Iowa.

A2835 is uniform and stable within commercially acceptable limits.  
 As with other soybean varieties, variants can occur for almost any  
 characteristic during the course of repeated sexual reproduction.

Asgrow Seed Company  
Plant Variety Protection Application - Soybean, A2835  
March 6, 1992

EXHIBIT B

Novelty Statement concerning A2835 Soybean

To our knowledge the soybean varieties that most closely resemble A2835 are A2943, A2396, A2427, Corsoy 79 and Northrup King S29-39. Characteristics which differentiate A2835 include, but are not necessarily limited to, the following:

1. Hilum color:

A2835	=	Imperfect Black
A2943	=	Imperfect Black
A2396	=	Imperfect Black
A2427	=	Imperfect Black
Corsoy 79	=	Yellow
S29-39	=	Yellow

2. Resistance to race 3 of Phytophthora megasperma:

A2835	=	Resistant
A2943	=	Susceptible
A2396	=	Susceptible
A2427	=	Susceptible
Corsoy 79	=	Resistant
S29-39	=	Resistant

U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 LIVESTOCK, MEAT, GRAIN & SEED DIVISION  
 PLANT VARIETY PROTECTION OFFICE  
 BELTSVILLE, MARYLAND 20705

EXHIBIT C  
 (Soybean)

OBJECTIVE DESCRIPTION OF VARIETY  
 SOYBEAN (*Glycine max* L.)

NAME OF APPLICANT(S) Asgrow Seed Co.	TEMPORARY DESIGNATION XP2835	VARIETY NAME A2835
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code) 9635-190-23 Gull Road Kalamazoo Michigan 49001		FOR OFFICIAL USE ONLY PVPO NUMBER 9200223

Choose the appropriate response which characterizes the variety in the features described below. When the number of significant digits in your answer is fewer than the number of boxes provided, place a zero in the first box when number is 9 or less (e.g.,  ). Starred characters ★ are considered fundamental to an adequate soybean variety description. Other characters should be described when information is available.

## 1. SEED SHAPE:



1 = Spherical (L/W, L/T, and T/W ratios = < 1.2)  
 3 = Elongate (L/T ratio > 1.2; T/W = < 1.2)

2 = Spherical Flattened (L/W ratio > 1.2; L/T ratio = < 1.2)  
 4 = Elongate Flattened (L/T ratio > 1.2; T/W > 1.2)

## ★ 2. SEED COAT COLOR: (Mature Seed)

1 = Yellow

2 = Green

3 = Brown

4 = Black

5 = Other (Specify) \_\_\_\_\_

## SEED COAT LUSTER: (Mature Hand Shelled Seed)

1 = Dull ('Corsoy 79'; 'Braxton')

2 = Shiny ('Nebsoy'; 'Gasoy 17')

## ★ 4. SEED SIZE: (Mature Seed)

Grams per 100 seeds

## ★ 5. HILUM COLOR: (Mature Seed)

1 = Buff

2 = Yellow

3 = Brown

4 = Gray

5 = Imperfect Black

6 = Black

7 = Other (Specify) \_\_\_\_\_

## ★ 6. COTYLEDON COLOR: (Mature Seed)

1 = Yellow

2 = Green

## ★ 7. SEED PROTEIN PEROXIDASE ACTIVITY:

1 = Low

2 = High

## ★ 8. SEED PROTEIN ELECTROPHORETIC BAND:

1 = Type A (SP1<sup>a</sup>)2 = Type B (SP1<sup>b</sup>)

## ★ 9. HYPOCOTYL COLOR:

1 = Green only ('Evans'; 'Davis')

2 = Green with bronze band below cotyledons ('Woodworth'; 'Tracy')

3 = Light Purple below cotyledons ('Beeson'; 'Pickett 71')

4 = Dark Purple extending to unifoliate leaves ('Hodgson'; 'Coker Hampton 266A')

## ★ 10. LEAFLET SHAPE:

1 = Lanceolate

2 = Oval

3 = Ovate

4 = Other (Specify) \_\_\_\_\_

5

## 11. LEAFLET SIZE:

☐ 31 = Small ('Amsoy 71'; 'A5312')  
3 = Large ('Crawford'; 'Tracy')

2 = Medium ('Corsoy 79'; 'Gasoy 17')

## 12. LEAF COLOR:

☐ 21 = Light Green ('Weber'; 'York')  
3 = Dark Green ('Gnome'; 'Tracy')

2 = Medium Green ('Corsoy 79'; 'Braxton')

## ★ 13. FLOWER COLOR:

☐ 2

1 = White

2 = Purple

3 = White with purple throat

## ★ 14. POD COLOR:

☐ 2

1 = Tan

2 = Brown

3 = Black

## ★ 15. PLANT PUBESCENCE COLOR:

☐ 1

1 = Gray

2 = Brown (Tawny)

## 16. PLANT TYPES:

☐ 31 = Slender ('Essex'; 'Amsoy 71')  
3 = Bushy ('Gnome'; 'Govan')

2 = Intermediate ('Amcor'; 'Braxton')

## ★ 17. PLANT HABIT:

☐ 3

1 = Determinate ('Gnome'; 'Braxton')

2 = Semi-Determinate ('Will')

3 = Indeterminate ('Nebsoy'; 'Improved Pelican')

## ★ 18. MATURITY GROUP:

☐ 0 ☐ 5

1 = 000

2 = 00

3 = 0

4 = I

5 = II

6 = III

7 = IV

8 = V

9 = VI

10 = VII

11 = VIII

12 = IX

13 = X

## ★ 19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

## BACTERIAL DISEASES:

★

☐ 0Bacterial Pustule (*Xanthomonas phaseoli* var. *sojensis*)

★

☐ 0Bacterial Blight (*Pseudomonas glycinea*)

★

☐ 0Wildfire (*Pseudomonas tabaci*)

## FUNGAL DISEASES:

★

☐ 0Brown Spot (*Septoria glycines*)Frogeye Leaf Spot (*Cercospora sojina*)

★

☐ 0

Race 1

☐ 0

Race 2

☐ 0

Race 3

☐ 0

Race 4

☐ 0

Race 5

☐ 0

Other (Specify)

☐ 0Target Spot (*Corynespora cassiicola*)☐ 0Downy Mildew (*Peronospora trifoliorum* var. *manshurica*)☐ 0Powdery Mildew (*Microsphaera diffusa*)

★

☐ 0Brown Stem Rot (*Cephalosporium gregatum*)☐ 0Stem Canker (*Diaporthe phaseolorum* var. *caulivora*)

## 19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant) (Continued)

## FUNGAL DISEASES: (Continued)

- ★ ☐ 0 Pod and Stem Blight (*Diaporthe phaseolorum* var. *sojae*)
- ☐ 0 Purple Seed Stain (*Cercospora kikuchii*)
- ☐ 0 Rhizoctonia Root Rot (*Rhizoctonia solani*)
- Phytophthora Rot (*Phytophthora megasperma* var. *sojae*)
- ★ ☐ 2 Race 1 ☐ 2 Race 2 ☐ 2 Race 3 ☐ 1 Race 4 ☐ 1 Race 5 ☐ 0 Race 6 ☐ 2 Race 7
- ☐ 2 Race 8 ☐ 2 Race 9 ☐ Other (Specify) \_\_\_\_\_

## VIRAL DISEASES:

- ☐ 0 Bud Blight (Tobacco Ringspot Virus)
- ☐ 0 Yellow Mosaic (Bean Yellow Mosaic Virus)
- ★ ☐ 0 Cowpea Mosaic (Cowpea Chlorotic Virus)
- ☐ 0 Pod Mottle (Bean Pod Mottle Virus)
- ★ ☐ 1 Seed Mottle (Soybean Mosaic Virus)

## NEMATODE DISEASES:

- Soybean Cyst Nematode (*Heterodera glycines*)
- ★ ☐ 1 Race 1 ☐ 1 Race 2 ☐ 1 Race 3 ☐ 1 Race 4 ☐ Other (Specify) \_\_\_\_\_
- ☐ 0 Lance Nematode (*Hoplolaimus Colombus*)
- ★ ☐ 0 Southern Root Knot Nematode (*Meloidogyne incognita*)
- ★ ☐ 0 Northern Root Knot Nematode (*Meloidogyne Hapla*)
- ☐ 0 Peanut Root Knot Nematode (*Meloidogyne arenaria*)
- ☐ 0 Reniform Nematode (*Rotylenchulus reniformis*)
- ☐ OTHER DISEASE NOT ON FORM (Specify): \_\_\_\_\_

## 20. PHYSIOLOGICAL RESPONSES: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- ★ ☐ 0 Iron Chlorosis on Calcareous Soil
- ☐ Other (Specify) \_\_\_\_\_

## 21. INSECT REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- ☐ 0 Mexican Bean Beetle (*Epilachna varivestis*)
- ☐ 0 Potato Leaf Hopper (*Empoasca fabae*)
- ☐ Other (Specify) \_\_\_\_\_

## 22. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED.

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant Shape	A2872	Seed Coat Luster	A2872
Leaf Shape	A3935	Seed Size	A3935
Leaf Color	A3935	Seed Shape	
Leaf Size	A3935	Seedling Pigmentation	



## 23. GIVE DATA FOR SUBMITTED AND SIMILAR STANDARD VARIETY: Paired Comparison Data

VARIETY	NO. OF DAYS MATURITY	PLANT LODGING SCORE	CM PLANT HEIGHT	LEAFLET SIZE		SEED CONTENT		SEED SIZE G/100 SEEDS	NO. SEEDS/ POD
				CM Width	CM Length	% Protein	% Oil		
A2835 Submitted	135	1.7	85.3			41.2	20.2	14.9	
A2872 Name of Similar Variety	135	1.7	86.9			41.7	21.0	14.9	

## PUBLICATIONS USEFUL AS REFERENCE AIDS FOR COMPLETING THIS FORM:

1. Caldwell, B.E., ed. 1973. Soybeans: Improvement, Production, and Uses. Amer. Soc. Agron. Monograph No. 16.
2. Buttery, B.R. and R.I. Buzzell. 1968. Peroxidase activity in seeds of soybean varieties. Crop Sci., 8: 722-725.
3. Hymowitz, T. 1973. Electrophoretic analysis of SBTI-A<sub>2</sub> in the USDA soybean germplasm collection. Crop Sci., 13: 420-421.
4. Payne, R.C. and L.F. Morris. 1976. Differentiation of soybean cultivars by seedling pigmentation patterns. J. Seed Technol. 1: 1-19.

Asgrow Seed Company  
Plant Variety Protection Application - Soybean, A2835  
March 6, 1992

EXHIBIT D

Additional Description of the Variety

A2835 is a late maturity group II cultivar that possesses exceptional yield potential, excellent standability, multi-race phytophthora root rot resistance and outstanding appearance.

Asgrow Seed Company  
Plant Variety Protection Application - Soybean, A2835  
March 6, 1992

EXHIBIT E

Statement of the Basis of Applicant's Ownership

A2835 was originated and developed by Kevin W. Matson, Ph.D., an Asgrow plant breeder. By agreement between employee and Asgrow Seed Company, all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such invention, discovery, or development are retained by the employee.